

REMARKS / ARGUMENTS

The present application includes pending claims 1-31, all of which have been rejected. Claims 1-2, 11-12, and 21-22 have been amended, as set forth above, to further prosecution of the present application. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-7, 10-17 and 20-27 are rejected under 35 U.S.C. § 102(e) as being anticipated by Lee et al. (US Application 2004/0039817, hereafter "Lee"). Claims 8, 9, 18, 19 and 28-31 are rejected under 35 U.S.C. § 103(a) as being anticipated over Lee in view of Schmidt (US 7,058,040, hereafter "Schmidt").

I. Examiner's Response to Arguments

The Examiner states the following in the Final Office Action:

At page 13, with respect to claim 1, applicant argues that Lee does not disclose the limitations of "allocating a processor compatible with the determined protocol and processing the communication signal by the allocated processor."

In reply, the limitations of "allocating a processor compatible with the determined protocol" read on "the wireless station checks to see if a particular operating mode, i.e., 802.11 a, 802.11 b, 802.11 g, is configured for it ... if the station is configured for a particular mode, the station only searches APs within that mode." That is, after selecting one of the 802.11 family protocols, search APs within that mode and **choose the best AP, i.e., a processor.** (see 110-114& 130 fig.1 and ¶ 29).

Also, the step of joining AP for further communication signal processing after finding a best AP is equivalent to process the

communication signal by the allocated AP, i.e., processor (see 138 fig.1 and ~.35). Therefore, the examiner respectively disagrees.

See the Final Office Action at page 6 (emphasis added). Apparently, the Examiner is equating a selected access point (AP) to a "processor," as used in Applicant's claim 1. The Applicant points out that the selection of a processor is performed with respect to a selected AP, i.e., a processor is selected within the AP, as recited in Applicant's claim 1. Therefore, the Examiner's argument is erroneous as it amounts to simply selecting an AP, rather than a specific processor within a specific AP.

II. Lee Does Not Render Claims 1-7, 10-17 and 20-27 Unpatentable

The Applicant turns to the rejection of claims 1-7, 10-17 and 20-27 under 35 U.S.C. § 102(e) as being anticipated by Lee et al. (US Application 2004/0039817, hereafter "Lee").

A. Rejection of Independent Claim 1, 11, and 21

With regard to the rejection of original independent claim 1 under 35 U.S.C. § 102(e), the Applicant submits that Lee does not disclose or suggest at least the limitations of "allocating a processor within said access point, said processor compatible with said determined protocol; and processing said communication

signal by said allocated processor within said access point,” as recited by the Applicant in independent claim 1.

In the Final Office Action, the Examiner states the following:

Lee discloses a method [and a system] for providing communication in a multi-band, multi-protocol hybrid wired/wireless network, the method comprising:

determining a protocol (selecting one of 802.11, see 110-114 fig. 1 and ¶.29) associated with a communication signal for an access point (signal, see ¶.35);

allocating a processor compatible with the determined protocol (selecting APs with processor for processing one of 802.11 protocol, see 110-114 fig. 1 and ¶.29); and

processing the communication signal by the allocated processor (next step of 138 fig. 1 and ¶.35).

See the Final Office Action at page 2. Initially, the Applicant points out that **Lee does not disclose or suggest any allocating of a processor within an access point**, as recited in Applicant’s claim 1. Consequently, the Applicant submits that Lee also does not disclose or suggest allocating a processor that is compatible with a determined protocol, such as 802.11(a), 802(b), 802.11(g), for example. Instead, Lee teaches that the wireless station searches for a particular operation mode (i.e., one of the protocols of 802.11(a), 802(b), 802.11(g)) in the Access Points (See Lee ¶. 29). Also Lee, in ¶ 28, states that the wireless station searches the APs for the same configuration for the purpose of matching with the particular AP having the same assigned SSID. Specifically, Lee states:

"If an SSID is configured, then the station only chooses APs with a matched SSID." (See Lee at ¶ 28).

"in steps 108, 110, 112 and 114, the wireless station checks to see if a particular operation mode (i.e., 802.11(a), 802(b), 802.11(g)) is configured for it. If there is no specific configuration, the station searches APs (Access Points) for all available modes. However, if the station is configured for a particular mode, the station only searches APs within that mode." (See Lee at ¶ 29).

By the Examiner's own admission in page 6 of the Final Office Action, Lee selects one of the 802.11 family protocols, searches APs within that mode and then selects the best AP (which is equated by the Examiner to "selecting a processor", i.e., Lee's AP reads on Applicant's "processor"). (See Lee at ¶¶ 110-114& 130, fig.1, and ¶ 29). Obviously, the Examiner's argument is erroneous since a processor is being selected within a specific AP, which is not disclosed by Lee.

Furthermore, Lee discloses that if the station does not find an AP with the same particular configuration, the station chooses the best AP using scanning based on RSSI value and channel loading. In this regard, Lee does not disclose "allocating a processor compatible with said determined protocol".

Furthermore, Lee states the following:

"If active scanning, **the station** in step 122, performs an active scan in the appropriate frequencies and **obtains or measures the necessary information, i.e. received signal strength indication (RSSI) value and network or channel loading**, for subsequent, access point selection." (See Lee at ¶ 35).

Secondly, the Applicant submits that Lee's lack of teaching of an allocated processor results in Lee's further lack of any teaching or disclosure of "processing said communication signal by said allocated processor".

Therefore, the applicant maintains that Lee does not disclose or suggest the limitation of "allocating a processor compatible with said determined protocol; and processing said communication signal by said allocated processor within said access point," as recited by the Applicant in claim 1.

Accordingly, independent claim 1 is not anticipated by Lee and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 2-7, 10, 12-17, 20, and 22-27

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11, and 21 under 35 U.S.C. § 102(e) as being anticipated by Lee has been overcome and request that the rejection be withdrawn. Additionally, claims 2-7, 10, 12-17, 20, and 22-27 depend from independent claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 1-7, 10-17, and 20-27.

II. The Proposed Combination of Lee in view of Schmidt Does Not Render Claims 8, 9, 18, 19 and 28-31 Unpatentable

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11, and 21 under 35 U.S.C. § 102(e) as being anticipated by Lee has been overcome and request that the rejection be withdrawn. Additionally, since the additional cited reference (Schmidt) does not overcome the deficiencies of Lee, claims 8-9, 18-19, and 28-31 depend from independent claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 8-9, 18-19, and 28-31.

CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-31 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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